1 Scott D. Baker (SBN 84923)
   Email: sbaker@reedsmith.com
2 Jonah D. Mitchell (SBN 203511)
   Email: jmitchell@reedsmith.com
3 James A. Daire (SBN 239637)
   Email: jdaire@reedsmith.com
4 Christine M. Morgan (SBN 169350)
   Email: cmorgan@reedsmith.com
5 REED SMITH LLP
   101 Second Street, Suite 1800
6 San Francisco, CA 94105
   Telephone: (415) 543-8700
7 Facsimile: (415) 391-8269
8
9 Attorneys for Defendant
   SAFEWAY INC.
10

11   UNITED STATES DISTRICT COURT

12   NORTHERN DISTRICT OF CALIFORNIA

13

14 MICHAEL RODMAN, on behalf of himself   Case No. 3:11-CV-03003-JST (JCS)
    and all others similarly situated,
15   **STIPULATION AND [PROPOSED]**
              Plaintiff,   **ORDER FOR EXTENSION OF STAY OF**
16   **EXECUTION AND ENFORCEMENT OF**
              v.   **JUDGMENT AND APPROVAL OF**
17   **SUPERSEDEAS BOND AMOUNT**
    SAFEWAY INC.,
18
              Defendant.
19
                                                   The Honorable Jon S. Tigar
20

21

22

23   Pursuant to Civil Local Rule 7-12, Plaintiff Michael Rodman, on behalf of himself and all

    others similarly situated ("Plaintiff"), and Defendant Safeway Inc. ("Safeway"), hereby stipulate
24
    and agree as follows:
25

26
           WHEREAS, the Court entered judgment on November 30, 2015 (Dkt. No. 406).
27

28

1   WHEREAS, Federal Rule of Civil Procedure 62(a) provides that "no execution may issue

2 on a judgment, nor may proceedings be taken to enforce it, until 14 days have passed after its

3 entry".

4

5   WHEREAS, Federal Rule of Civil Procedure 62(d) provides for a stay of a money

6 judgment pending appeal as a matter of right when the appealing party files a supersedeas bond.

7 *American Color Graphics, Inc. v. Travelers Property Cas. Ins. Co.,* No. C 04-3518 SBA, 2007

8 WL 1520952, *1 (N.D. Cal. May 23, 2007).

9

10   WHEREAS, Safeway has filed a Notice of Appeal (Dkt. No. 408).

11

12   WHEREAS, Safeway has agreed to post a supersedeas bond in the amount of $42,000,000,

13 and Plaintiff has agreed not to oppose this amount.

14

15   WHEREAS, Safeway is in the process of procuring the supersedeas bond.

16

17   WHEREAS, Safeway represents that it is able to satisfy the judgment.

18

19   WHEREAS, Safeway has made representations to Plaintiff concerning its current financial

20 condition, and has agreed to immediately notify Plaintiff of any material change in such condition

21 that would impact its ability to pay the judgment.

22

23   WHEREAS, Plaintiff and Safeway agree to extend the stay provided under Fed. R. Civ.

24 Proc. 62(a) until and including January 5, 2015.

25

26

27

28

Case No. 3:11-CV-03003-JST (JCS)   -2-

**STIPULATION AND [PROPOSED] ORDER FOR EXTENSION OF STAY OF EXECUTION AND
ENFORCEMENT OF JUDGMENT AND APPROVAL OF SUPERSEDEAS BOND AMOUNT**

1   Dated: December 10, 2015   Dated: December 10, 2015

2

3   REED SMITH LLP   CHIMICLES & TIKELLIS LLP

4   By: ____/s/ *Jonah D. Mitchell*_____   By: ____/s/ *Steven A. Schwartz*_____
         Scott D. Baker (SBN 84923)   Steven A. Schwartz (pro hac vice)
5   Jonah D. Mitchell (SBN 203511)   Timothy N. Mathews (pro hac vice)
         James A. Daire (SBN 239637)   361 W. Lancaster Ave.
6   Christine M. Morgan (SBN 169350)   Haverford, PA 19041
7   101 Second Street, Suite 1800   Telephone: (610) 642-8500
         San Francisco, CA 94105   Facsimile: (610) 649-3633
8   Telephone: (415) 543-8700
         Facsimile: (415) 391-8269   James C. Shah (SBN 260435)
9   Rose F. Luzon (SBN 221544)
                                                       SHEPHERD, FINKELMAN,
10   Attorneys for Defendant   MILLER & SHAH
         SAFEWAY INC.   401 West A Street, Suite 2350
11   San Diego, CA 92101
                                                       Telephone: (619) 235-2416
12   ** Filer's Attestation: Pursuant to Civil Local Rule*   Facsimile: (866) 300-7367
     5-1(i) regarding signatures, Jonah D. Mitchell
13   *hereby attests that concurrence in the filing of this*   Attorneys for Plaintiff
     document has been obtained.   MICHAEL RODMAN and the Class

14

15   **ORDER**

16

17   **PURSUANT TO STIPULATION, IT IS HEREBY ORDERED** that (1) any execution or

18   enforcement of the judgment is stayed until and including January 5, 2016; and (2) a supersedeas

19   bond in the amount of $42,000,000 is approved. Until such time as Safeway has obtained the

20   supersedeas bond, Plaintiff may seek emergency relief from the stay of execution in the event of

21   any material change in Safeway's financial condition that reasonably implicates Safeway's ability

22   to pay the judgment.

23

24

25   DATED: December 11, 2015   _____
                                                  Hon. Jon S. Tigar
26   United States District Judge

27

28

     STIPULATION AND [PROPOSED] ORDER FOR EXTENSION OF STAY OF EXECUTION AND
         ENFORCEMENT OF JUDGMENT AND APPROVAL OF SUPERSEDEAS BOND AMOUNT